

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) 2:18-CR-37  
 )  
CHARLES TAYLOR, )  
 )  
Defendant. )

TRANSCRIPT OF REVIEW OF DETENTION  
August 27, 2018  
BEFORE THE HONORABLE PHILIP P. SIMON  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE GOVERNMENT:

THOMAS R. MAHONEY  
United States Attorney's Office  
5400 Federal Plaza, Suite 1500  
Hammond, Indiana 46320  
(219) 937-5500

FOR THE DEFENDANT:

PAUL G. STRACCI  
Stracci Criminal Defense, PC  
9205 Broadway, Suite B  
Merrillville, Indiana 46410  
(219) 525-1000

ALSO PRESENT: Jerry Navarra, U.S. Probation

1 (The following proceedings were held in open court  
2 beginning at 10:26 a.m., reported as follows:)

3 **DEPUTY CLERK:** All rise.

4 **THE COURT:** You can be seated.

5 Good morning, everyone.

6 **MR. MAHONEY:** Good morning, Your Honor.

7 **MR. STRACCI:** Good morning, Your Honor. I apologize  
8 for the delay.

9 **THE COURT:** We're on the record in Cause  
10 No. 2:18-CR-37. The case is United States versus  
11 Charles Taylor. We're here for a review of the detention order  
12 of --

13 Was it Martin?

14 **MR. STRACCI:** Yes. Yes, Your Honor.

15 **THE COURT:** -- Magistrate Judge Martin.

16 And so the defendant, Mr. Taylor, is here with his lawyer,  
17 Mr. Stracci. Mr. Mahoney is here on behalf of the government.

18 This is, of course, a *de novo* hearing, so -- I have  
19 reviewed the transcript of the proceedings that took place  
20 before the magistrate judge a number of months ago, in June.

21 So what are we doing here today, Mr. Stracci?

22 **MR. STRACCI:** Your Honor, we were going to call one  
23 witness and present some exhibits and then, obviously, make  
24 argument.

25 **THE COURT:** Okay. And this witness is different from

1 Ms. Meyers, or is it the same --

2 **MR. STRACCI:** It is the same witness, and I won't go  
3 over the same -- I won't plow that same field.

4 **THE COURT:** I'm sorry to interrupt. I only got  
5 through half of this thing this morning, so present what you  
6 want to present. It's a *de novo* hearing.

7 **MR. STRACCI:** Okay.

8 **THE COURT:** Why don't we start with the government.

9 Mr. Mahoney, what is your -- first of all, let me ask  
10 this: Are you saying that this defendant is both a flight risk  
11 and a danger to the community, or are you only proceeding under  
12 the dangerous prong?

13 **MR. MAHONEY:** No, Your Honor, we're proceeding under  
14 both. And that's the way we proceeded at the initial detention  
15 hearing. It's our --

16 **THE COURT:** What's the evidence that he is a flight  
17 risk?

18 **MR. MAHONEY:** Failures to appear --

19 **THE COURT:** What are you looking at?

20 **MR. MAHONEY:** -- failures to comply with  
21 conditions -- previously imposed conditions of probation by the  
22 courts.

23 **THE COURT:** I don't have a copy of the bond report.  
24 Why isn't there somebody from probation here either?

25 **DEPUTY CLERK:** I can call.

1           **THE COURT:** I don't understand this. Do you have a  
2 copy of the bond report?

3           **MR. MAHONEY:** I do. Can you give me one moment,  
4 Judge?

5           **THE COURT:** Can I see that?

6           **MR. MAHONEY:** I have actually an extra one. Just  
7 give me a moment, Your Honor. I'll grab that.

8           **THE COURT:** Sure.

9           **MR. STRACCI:** May I approach, Judge?

10          **THE COURT:** Yeah, sure.

11          **MR. MAHONEY:** Do you have it?

12          **THE COURT:** Yeah, I have it here.

13          Okay. Go ahead, Mr. Mahoney.

14          **MR. MAHONEY:** Your Honor, that's what we presented to  
15 Judge Martin at the initial detention hearing. We also --

16          **THE COURT:** Can you show me where the FTAs are on  
17 this just so -- I'm playing catch-up here with you.

18          I guess what I'm saying is, it just doesn't strike me as a  
19 strong case that he's a flight risk.

20          **MR. MAHONEY:** Well -- and I agree with you. But what  
21 we do strongly urge the Court to consider is based on his  
22 criminal history, and based on a history of some violent  
23 conduct, that he is a danger to the community; and that's  
24 why -- I don't know if I emphasized that -- and I didn't have  
25 the benefit of -- I ordered the transcript. I didn't get it,

1 so I do remember what I said at the hearing though, Your Honor,  
2 and what we -- what our strongest argument was for detention,  
3 and that's that he's a danger to the community. I can go  
4 through and state those reasons if you would like me to do that  
5 now.

6 **THE COURT:** Yeah, that would be helpful.

7 **MR. MAHONEY:** Certainly.

8 **THE COURT:** This is your chance to --

9 **MR. MAHONEY:** And the other thing I would like, for  
10 the record, that, Your Honor, this is a presumptive hearing.  
11 There is a presumption of detention, and we believe that we  
12 correctly stated that to Judge Martin and that we correctly  
13 persuaded Judge Martin that that presumption was not rebutted  
14 at the initial hearing.

15 So from there, what I would like to point out to the  
16 Court, that we look at Mr. Taylor's criminal history going back  
17 to contacts with the criminal justice system all the way back  
18 to 1996 in Chicago. And I know these were minor offenses that  
19 were stricken off with leave to reinstate in the Cook County  
20 Circuit Court; but when we turn to age 29 in 2008, he's got a  
21 conviction for domestic battery.

22 **MR. STRACCI:** I'm sorry; page 29 of what document?

23 **MR. MAHONEY:** No, "age 29."

24 **MR. STRACCI:** "Age 29."

25 **MR. MAHONEY:** Age 29 on page 4 of the bond report.

1           You have a domestic battery in Tippecanoe County.  
2 Defendant was convicted; 365 days in jail, suspended.

3           As soon as -- from October conviction to December, there's  
4 a petition to revoke the probation. Admission to those  
5 violations, and then he is resentenced to a term of jail of 143  
6 days.

7           Next time we go to July of 2009. Now we've got a felony  
8 domestic battery in his background where he receives a two-year  
9 prison sentence that's suspended. Again, he gets a term of  
10 probation connected with that, and there's a petition to  
11 revoke. It was dismissed. However, there was an allegation  
12 that he wasn't complying with his probation.

13           Move now to 2011, Your Honor, more serious. You've got a  
14 strangulation count in connection with a domestic violence  
15 incident. So there's a pattern.

16           **THE COURT:** He was charged with that but not  
17 convicted.

18           **MR. MAHONEY:** Charged with that. I was going to  
19 clear that up too, Your Honor. I'm not -- but he ends up  
20 getting, it looks like, just about two years in prison. Again,  
21 suspended term. And, again, a violation that -- the petition  
22 to revoke that probation that followed the term of jail in  
23 2011, and then another arrest for domestic violence in 2013  
24 that was dismissed.

25           I think if you look at Mr. Taylor, there's a history of

1 violence in his background. I know at the initial hearing  
2 Mr. Stracci made the arguments that those domestic violence  
3 incidents were related to a prior bad marriage or a prior very  
4 toxic relationship. I don't dispute that, but they still  
5 occurred. They still occurred, and that was the basis for our  
6 argument that this man is a danger to the community.

7 Presumption of detention, we don't believe the presumption  
8 has been rebutted, and that's how we are going to ask the Court  
9 to rule again today.

10 **THE COURT:** Under 3142(g)(1), one of the factors I  
11 have to take into account is the weight of the evidence -- it's  
12 3142(g)(2) -- the weight of the evidence against the person.  
13 So can you speak to what this case is about --

14 **MR. MAHONEY:** Yes.

15 **THE COURT:** -- what is the weight of the evidence?

16 **MR. MAHONEY:** Yes.

17 **THE COURT:** And, Mr. Stracci, I want you to listen  
18 closely to what he has to say 'cause I'm going to ask you if  
19 you agree or disagree with it, if you take issue with any of  
20 it, because it's based on proffer.

21 **MR. MAHONEY:** It is my proffer, Your Honor, but this  
22 is what we believe the evidence would show. This is what the  
23 charging decisions were based on.

24 Just to give the Court a little bit of background, this  
25 was a Title 3 case. There was approximately 60 days of

1 conversations that were recorded pursuant to an order issued by  
2 the Honorable Joseph Van Bokkelen in this courthouse.

3 During the time of the intercepts, Mr. Taylor, who was an  
4 interceptee, who was a violator, Charles Taylor and  
5 Lamonte Adams -- Lamonte Adams is one of the principals in this  
6 case. He was the initial target. He was dealing  
7 methamphetamine with people from California, with a man from  
8 Brownsville, Texas, who also had ties to contacts down in  
9 Mexico that we believe were cartel based.

10 However, Mr. Taylor's involvement, we had over 90  
11 pertinent calls and text messages during the course of the  
12 conspiracy between Charles Taylor and Lamonte Adams.

13 During calls on November 11<sup>th</sup>, 2017, and November 12 of  
14 2017, we believed Adams was down in Brownsville, Texas, meeting  
15 with another target, an unindicted -- at this time, unindicted  
16 co-conspirator. And the quotes off of the calls, Lamonte Adams  
17 tells Charles Taylor, and I apologize for the language, but,  
18 "I'm doing some big shit right now. You fin to be a part of  
19 it. And, hey, listen G, you fin to be a part of this shit,  
20 man."

21 These calls were made while Adams was in Brownsville,  
22 Texas, meeting with another target. Adams advised Taylor,  
23 don't tell others about the business that they do together.  
24 The calls also indicate that Taylor has fronted drugs -- or  
25 that Adams, I'm sorry, Adams has fronted drugs to Taylor.



1 Mr. Taylor advises Adams, be careful who he does business  
2 with, and the person -- that a person named "Joker" may be  
3 working with the police.

4 Mr. Taylor also agrees to serve one of Adams' drug  
5 customers because Adams was busy.

6 The calls also indicated that Adams and Taylor are dealing  
7 narcotics with a man named Kyle Lehnan. Kyle Lehnan is also  
8 part of this Indictment. Taylor tells Adams that Kyle Lehnan  
9 owes him money and that Kyle Lehnan's wife, Corine, tried to  
10 deal him in -- or tried to deal with him but Taylor didn't like  
11 to deal with other people's women.

12 In January of 2018, Taylor and Adams have a dispute over  
13 money. Adams tells Taylor he just took a \$60,000 hit, and then  
14 they further, again, discuss how much money Kyle Lehnan owes  
15 them.

16 So based on these calls and these conversations and what  
17 was said by Mr. Taylor between him and Adams, that's the  
18 evidence that we believe we would present during a trial of  
19 this matter to a jury.

20 **THE COURT:** Were there any undercover purchases made  
21 from this defendant?

22 **MR. MAHONEY:** No. No.

23 **THE COURT:** Any CI information regarding -- is it all  
24 pretty much the Title 3 intercepts?

25 **MR. MAHONEY:** With respect to him, yes, it is.

1 Generally, yes.

2           **THE COURT:** All right. Anything else you want to  
3 present, Mr. Mahoney?

4           **MR. MAHONEY:** No, Your Honor.

5           **THE COURT:** All right.

6           Mr. Stracci, you want to start with your witness and  
7 then -- whatever you want to do. However you want to proceed.

8           **MR. STRACCI:** If that would be okay with the Court.  
9 I guess, maybe, if the Court doesn't mind, since we're on this  
10 topic, can I talk about the government's evidence in the case?

11           **THE COURT:** Sure.

12           **MR. STRACCI:** So I would just say this, Judge: As  
13 the Court's aware, this is a 12-count Indictment. My client is  
14 charged not with an individual count in any of them. He's  
15 merely charged with the overall conspiracy count, so one of 12  
16 counts.

17           The government indicated previously when it proffered that  
18 my client made approximately 90 pertinent phone calls and/or  
19 text messages with Mr. Adams. As the Court's aware from page 5  
20 of our memorandum, again, government is absolutely right,  
21 that's about a 60-day period. That during that period,  
22 Mr. Adams made 8,214 contacts, of which approximately 90 of  
23 those were with our client.

24           And when the government summarizes the evidence of some of  
25 these phone calls, what we have is, essentially, Mr. Adams

1 saying, "I want you to be a part of this. I want -- there's  
2 going to be some big shit."

3 It's not my client saying, "Oh, yeah, I can't wait for  
4 that to happen," or "Oh, yeah, let's get me some stuff."  
5 There's nothing like that.

6 There is a recording where my client indicates that, "Oh,  
7 yeah, I'll take care of your client," as the government alluded  
8 to, that he would serve one of Mr. Adams' clients. However,  
9 there's no indication that that ever occurred. It's merely my  
10 client paying lip service to Mr. Adams.

11 And so as a result, I would say that the strength of the  
12 government's case against my individual client is not good, is  
13 not strong, and I would certainly ask the Court to consider  
14 that as required.

15 At this time then, Judge, if I may call my witness?

16 **THE COURT:** Yeah, sure. Of course.

17 **MR. STRACCI:** Erin Meyers.

18 **THE COURT:** Ma'am, if you would, please raise your  
19 right hand to be sworn in. This lady is going to swear you in.

20 (The oath was administered.)

21 **THE WITNESS:** I do.

22 **MR. STRACCI:** Judge, did you have the opportunity to  
23 review that much of the transcript that indicates her  
24 background and her relationship with the defendant?

25 **THE COURT:** Why don't you do the whole thing.

1                   **MR. STRACCI:** Very good.

2                   ERIN MEYERS, DEFENDANT'S WITNESS, SWORN

3                   **DIRECT EXAMINATION**

4   **Q.** Ms. Meyers, if you would, please state and spell your full  
5 name for the record.

6   **A.** Erin Meyers, E-R-I-N, M-E-Y-E-R-S.

7   **Q.** How do you know Mr. Charles Taylor?

8   **A.** I've been with him for the last six years. We've been  
9 engaged for the last two years.

10   **Q.** When you say "with him," you mean romantically, correct?

11   **A.** Yes, yes.

12   **Q.** And over that six-year period, how long did the two of you  
13 reside together?

14   **A.** The whole six years.

15   **Q.** Okay. And where did you live together?

16   **A.** In West Lafayette.

17   **Q.** Okay. Indiana, correct?

18   **A.** Yes.

19   **Q.** All right. And who else lived with you?

20   **A.** It was just me and him.

21   **Q.** Okay. Until recently, is that right?

22   **A.** Yes, yes.

23   **Q.** If you can tell the judge how that changed.

24   **A.** That changed because we moved in with his children, and we  
25 moved out of West Lafayette into West Lafayette [verbatim] with

1 his children.

2 Q. Why did you do that?

3 A. We just didn't have money to pay the bills anymore.

4 Q. Okay. It was more affordable for everybody, is that  
5 right?

6 A. Yes.

7 Q. He wasn't required to pay rent at his stepson's house,  
8 correct?

9 A. No.

10 Q. Am I correct?

11 A. Yes.

12 Q. Okay. And since you've known him, has he maintained  
13 consistent employment?

14 A. Yes.

15 Q. All right. And are you aware of any acts -- any criminal  
16 acts since you've known him?

17 A. No.

18 Q. Okay. And outside of this matter, have you ever had to  
19 attend court with him?

20 A. No.

21 Q. Okay. Now, you heard that there was some allegations that  
22 earlier in his life he was involved in some domestic violence  
23 episodes, is that right?

24 A. Correct.

25 Q. Since you've known him, has he in any way even given hints

1 of an ability to be violent?

2 A. No.

3 Q. All right. He's never in any way been violent with you?

4 A. No.

5 Q. You've never witnessed him be violent with anyone?

6 A. No.

7 Q. Okay. And I think you said to myself and Ms. Benjamin  
8 earlier that you find it very hard to believe that the domestic  
9 violence allegations were true, knowing Charles, is that fair?

10 A. Correct.

11 Q. That's what you told us?

12 A. Correct.

13 Q. Okay. All right. So that said, when Mr. Taylor came into  
14 this building, he had a heroin addiction, is that right?

15 A. Correct.

16 Q. Was he the only one in this relationship with a heroin  
17 addiction?

18 A. No.

19 Q. Who else had a heroin addiction?

20 A. I did.

21 Q. Did you address your heroin addiction?

22 A. I did.

23 Q. How did you do that? Please tell the Court.

24 A. I went to an inpatient program at Valle Vista in  
25 Greenwood, Indiana, and went through detox, got clean. They

1 set me up with therapy and a psych doctor and then also a  
2 Suboxone doctor.

3 Q. Okay. And tell us -- that was how long ago, first of all?

4 A. May.

5 Q. Okay. And you've been clean for how long now?

6 A. Four-and-a-half months.

7 Q. Okay. And since that time, you've continued therapy, is  
8 that right?

9 A. Correct.

10 Q. Are you in therapy today?

11 A. Yes.

12 Q. And other than Suboxone, do you take any medications?

13 A. No.

14 Q. And you haven't used at all in that period of time?

15 A. No.

16 Q. All right. And can you just be a little bit more specific  
17 as to, sort of, what your routine has become today when it  
18 comes to treatment?

19 A. I go to NA meetings during the week, and I also go to my  
20 therapist once every two weeks. I go see my psych doctor once  
21 a month. And then Suboxone, I go once a week. And you go in  
22 and they drug test you, make sure you're clean, and then they  
23 just go over what you have done for the last week. And then  
24 they give you the Suboxone, and you come back the next week and  
25 do the same thing.

1 Q. Okay. And if you know, has Charles been able to receive  
2 any care for his addiction while at the Porter County jail?

3 A. No.

4 Q. Do you know why?

5 A. He said since it's a federal thing, they won't let him  
6 leave the pod to get any help with anything.

7 Q. Okay. Essentially, they don't let him participate?

8 A. Correct.

9 Q. All right. So did you do some work to try to find help  
10 for Charles should he be released with his addiction?

11 A. I did.

12 Q. Okay. And where did you go to do that?

13 A. Wabash Valley in Lafayette, Indiana. It's a 16-week  
14 intensive outpatient program. They also drug test you every  
15 time you go in. You go three to four times a week. It's  
16 pretty intense. They make sure that you stay clean. They give  
17 you the tools to help you stay clean, and they try to find the  
18 trigger points of why you're doing what you're doing.

19 I also went to my Suboxone doctor and asked if he was  
20 taking new patients. He said he was. They do take his  
21 insurance, and my therapist also said at Wabash that he would  
22 see him as well to do therapy and to get a psych evaluation.

23 Q. Okay.

24 MR. STRACCI: Your Honor, may I approach the witness?

25 THE COURT: (Nodding.)



1 BY MR. STRACCI:

2 Q. Ms. Meyers, I'm showing you what are previously marked as  
3 Defendant's Exhibits A and B. Do you recognize those  
4 documents?

5 A. I do.

6 Q. Okay. And just briefly, can you tell the Court what they  
7 are.

8 A. These are the documents from Wabash Valley Hospital. It  
9 goes over all the programs they have. It explains, like, the  
10 psychiatric doctor, the therapist. It explains the intensive  
11 outpatient program. You just walk in. It's Tuesdays and  
12 Thursdays. They do a walk-in evaluation, and then they set you  
13 up with the treatment that you need.

14 Q. Okay. So they don't have an inpatient program, but they  
15 do have intensive outpatient and then follow-up treatment that  
16 could go on for as long as Charles needed, is that correct?

17 A. Correct.

18 Q. Okay. And you've had success at the program?

19 A. Correct.

20 MR. STRACCI: Your Honor, I would ask to admit the  
21 exhibits.

22 THE COURT: Any objection?

23 MR. MAHONEY: No objection.

24 THE COURT: All right. A and B are admitted.

25 \\\

1 BY MR. STRACCI:

2 Q. And in addition to Charles' drug problem, we talked about  
3 the fact that Charles doesn't have a lot of money and has  
4 been -- was employed at the time this occurred, is that right?

5 A. Correct.

6 Q. So I guess let's start with employment. What's Charles  
7 going to do about employment? Do you know?

8 A. If released, they told me that they would accept him right  
9 back. Like, he's never been fired, terminated, anything. He  
10 still has his job.

11 Q. Okay. But let's tell the judge who "they" is?

12 A. It is the general manager, Tom Carrillo. I believe he  
13 wrote a letter stating about Charles' character, and he also  
14 wrote a letter stating that he is still employed at McDonald's  
15 if released.

16 Q. And we also have a letter from Mr. Carrillo indicating  
17 just that, that he would be willing to take Charles back and  
18 that, essentially, he was an asset, is that correct?

19 A. Correct.

20 Q. Okay. And it's true that Charles was actually arrested  
21 inside of that McDonald's; that's where they served the arrest  
22 warrant, is that right?

23 A. Correct.

24 Q. And yet McDonald's is still willing to take him back, is  
25 that correct?

1 A. Correct.

2 Q. Okay. He was a part-time employee at that time, is that  
3 correct?

4 A. It was between full time and part time. Some weeks it was  
5 20 hours; some weeks it was 40 hours.

6 Q. Okay. Do you happen to know if the arrangement will be  
7 the same?

8 A. It definitely will be full time plus, because right now  
9 I'm working 60, 70 hours a week because we have no staff. So  
10 it will be a lot of hours.

11 Q. Okay. And so just to be real clear, you still work at  
12 that same McDonald's, right?

13 A. Correct. Correct.

14 Q. Okay.

15 MR. STRACCI: Your Honor, I'm going to ask to  
16 approach with Defendant's Exhibits C and D and would ask the  
17 Court to admit them. They are a letter from Mr. Thomas  
18 Carrillo indicating what we just discussed, and then  
19 Defendant's Exhibit D is an e-mail from Mr. Carrillo sent  
20 through his McDonald's e-mail address just indicating that at  
21 the time, which was August 24<sup>th</sup> of 2018, that Mr. Taylor is  
22 still currently employed at McDonald's Corporation.

23 THE COURT: You have any objection to C or D?

24 MR. MAHONEY: No, Your Honor.

25 THE COURT: They are both admitted.

1                   **MR. STRACCI:** Thank you, Judge.

2                   **BY MR. STRACCI:**

3                   **Q.** Okay. So you've got his rehabilitation covered. You have  
4 employment covered. The last thing is living arrangement.  
5 Have you made -- is there an appropriate place for Charles to  
6 live?

7                   **A.** Yes.

8                   **Q.** Okay. Can you tell us about that.

9                   **A.** Her name is Haley, and she is actually a manager at  
10 McDonald's, and said that he is welcome to stay there as long  
11 as it takes.

12                   **Q.** Okay. So her name is Haley Jaworski, is that right?

13                   **A.** Correct.

14                   **Q.** She also resides in West Lafayette?

15                   **A.** Correct.

16                   **Q.** Okay. And she also wrote -- and, in fact, she wrote a  
17 rather lengthy letter indicating that she's, in fact -- she's a  
18 swing manager with McDonald's, is that right?

19                   **A.** Correct.

20                   **Q.** That she and her husband have taken in people who have had  
21 issues similar to Charles' in the past, is that right?

22                   **A.** Correct.

23                   **Q.** She indicates that she has a four-bedroom home and that  
24 Charles would have his own bedroom and own bathroom, is that  
25 right?

1 A. Yes.

2 Q. She lives there with her husband, who I believe is  
3 currently out of state training as an air traffic controller?

4 A. Correct.

5 Q. Okay. And that she has a brother and, I believe, her  
6 fiancé's son -- so it's not her husband, I guess, it's her  
7 fiancé -- and her fiancé's sons who have rooms there but who  
8 rarely actually reside with them?

9 A. Correct.

10 Q. Okay. She also indicated that she understands that the  
11 probation officer can visit the house as necessary given  
12 Charles' situation, she didn't have any objection to that, and  
13 also indicated that there are no drugs or alcohol that will be  
14 allowed in her home -- no drugs are ever allowed in her home --  
15 but she wouldn't allow alcohol while Charles stayed there, is  
16 that right?

17 A. Yes.

18 Q. She also indicates that she understands there may be some  
19 confines as far as Charles' ability to come and go --  
20 essentially, referring to home monitoring -- and she's also  
21 okay with that, is that right?

22 A. Yes.

23 Q. But she's very frank, and she says that her husband may  
24 get relocated and that come mid-October -- well, it could  
25 happen as early as mid-October -- she doesn't know if it will

1 happen or when it will happen, but theoretically it could  
2 happen as early as mid-October?

3 A. Correct.

4 Q. Do you have a plan with how to deal with that?

5 A. Yes. I'm currently, actually, saving up money to get my  
6 own place for us to live in, so it's just a temporary situation  
7 until we can actually get our own place.

8 Q. Will she be charging you rent?

9 A. Yes.

10 Q. Okay. And that rent is just for one bedroom, is that  
11 right?

12 A. Correct.

13 Q. Did you discuss the dollar amount of the rent?

14 A. 200.

15 Q. Two hundred dollars a month?

16 A. Yes.

17 Q. She indicates here, right, that the purpose of this is to  
18 give you a chance to save money to get your own place?

19 A. Correct.

20 Q. Okay. Obviously, with the idea that you would both be  
21 working.

22 MR. STRACCI: Judge, if I may approach with  
23 Defendant's Exhibit E. I also have a Defendant's Exhibit F,  
24 which is just -- I'm not sure if the Court is familiar with  
25 Indiana state's new online system. I believe it covers most

1 but not every county in the state. We did do a criminal  
2 background on Haley Jaworski. It does indicate that there was  
3 a prior conversion in 2012, but she was given a pretrial  
4 diversion program, which she successfully completed. So it  
5 doesn't appear as though she has a criminal history.

6 If I may?

7 **THE COURT:** (No audible response.)

8 **BY MR. STRACCI:**

9 **Q.** Okay. So to sort of summarize, Charles is a gentleman who  
10 you've known for now six years and have seen no instances of a  
11 propensity for violence?

12 **A.** Correct.

13 **Q.** He's a drug user or was a drug user?

14 **A.** Correct.

15 **Q.** You have taken substantial steps to get clean and are in  
16 the process of trying to help him do the same?

17 **A.** Correct.

18 **Q.** All right. He has employment and living arrangements  
19 available to him that would allow him to get back to work and  
20 actually get the treatment that he needs and is being deprived  
21 of at this time?

22 **A.** Yes.

23 **Q.** Is that right?

24 **A.** Yes.

25 **Q.** Do you have any concerns with Charles being released from

1 custody at all?

2 A. I do not.

3 Q. Okay.

4 MR. STRACCI: I don't have any further questions.

5 Thank you, Judge.

6 THE COURT: Mr. Mahoney?

7 MR. MAHONEY: Just a couple questions, Your Honor.

8 THE COURT: Sure.

9 CROSS-EXAMINATION

10 BY MR. MAHONEY:

11 Q. Good morning, Ms. Meyers.

12 A. Good morning.

13 Q. You testified a few months back at Mr. Taylor's initial  
14 detention hearing before another judge, is that correct?

15 A. Yes.

16 Q. Today you've told us a few more things than you told back  
17 then, correct?

18 A. Correct.

19 Q. You've made some arrangements for drug treatment?

20 A. Yes.

21 Q. You made some living arrangements. Only question I have  
22 is: Back when Charles was arrested, you were living together,  
23 correct?

24 A. Correct.

25 Q. You were living with his children?



1 A. Yes.

2 Q. Did you have children?

3 A. I do have children, yes.

4 Q. How many children do you have?

5 A. Three.

6 Q. And these arrangements you made with Ms. Jaworski, that's  
7 just for Charles, correct?

8 A. Correct.

9 Q. Is there a reason Charles can't live with you?

10 A. Right now I stay with my brother, and my daughter, she  
11 just had a baby, so that's why I moved out from his kids' and  
12 with my daughter, so I could help her take care of her baby  
13 right now.

14 Q. All right. That's all I want. That's all I needed to  
15 know. Thank you.

16 THE COURT: So you're not intending to move into the  
17 home of this lady who's the manager at McDonald's?

18 THE WITNESS: No. I'm going to stay with my  
19 daughter --

20 THE COURT: Just the defendant?

21 THE WITNESS: Yes.

22 -- and help her with the baby right now. When we get a  
23 place, we can stay together.

24 THE COURT: "We" being you and the defendant?

25 THE WITNESS: Correct.

1           **THE COURT:**   Okay.

2           **MR. MAHONEY:**   I have nothing further.

3           **THE COURT:**   Thank you, Mr. Mahoney.

4           Anything else?

5           **MR. STRACCI:**   Nothing.   Thanks, Judge.

6           **THE COURT:**   All right.   Thank you, ma'am.   You can  
7   step down.

8           **MR. STRACCI:**   No further evidence, Judge.

9           **THE COURT:**   Okay.

10          All right.   Mr. Mahoney, I'll hear from you first.

11          **MR. MAHONEY:**   Your Honor, my argument is the same as  
12   it was back at the initial detention hearing.   If you look at  
13   Mr. Taylor's criminal history, you look at everything that's  
14   alleged in the bond report, that there's a presumption of  
15   detention; that there are, according to probation, risks of  
16   nonappearance, six risk factors listed there, and then we have  
17   10 factors listed under his assessment of the probation  
18   office's assessment of his danger to the community.

19          I understand that there's been no domestic violence or no  
20   criminal history since 2013.   We get that.   However, he's got a  
21   lengthy criminal history, Your Honor; and based on that, based  
22   on the proffer that we gave to the Court regarding the  
23   defendant's involvement in the offense in the criminal drug  
24   conspiracy, Judge, I don't believe that the presumption of the  
25   detention has been overcome by the defendant.   And therefore,

1 we would ask that the Court continue to detain him pretrial.

2 **THE COURT:** All right. Thank you.

3 Mr. Stracci.

4 **MR. STRACCI:** Your Honor, I would point out, as we  
5 did in the memorandum, that although the government's  
6 absolutely correct, that there is, in fact, a rebuttable  
7 presumption in this case, that I don't believe any of the  
8 evidence in this case in any way ties my client to  
9 methamphetamine, and that the mandatory minimum and the life  
10 term come out of the methamphetamine quantity as it's an  
11 enumerated quantity in the conspiracy. The heroin numbers are  
12 not enumerated; and as a result, if, in fact, there were to be  
13 a conviction, it's certainly a different term. There is no  
14 mandatory minimum, and instead he would be looking at not more  
15 than 20.

16 **THE COURT:** But the rebuttable presumption doesn't  
17 matter.

18 **MR. STRACCI:** It's true. It doesn't change that. It  
19 doesn't change that.

20 **THE COURT:** Okay.

21 **MR. STRACCI:** I'll focus on the danger to the  
22 community, as I think we've kind of tied up that that really is  
23 the one issue that the government sees, that the Court sees.

24 I would point out to the Court that my client's -- well,  
25 his community ties run deep, and I know that's typically a

1 flight-risk argument; but I think it is important there. He's  
2 been there for 20 years. We're saying he's, essentially, a  
3 danger to the community because of what, really, are three  
4 domestic violence incidents, okay.

5 These domestic violence incidents occurred between '09  
6 and, I want to say, 2012. These domestic violence incidences  
7 were all with one particular woman, his former wife. What you  
8 don't see here, Your Honor, was there was another charge in  
9 which my client recorded his ex-wife and the domestic violence  
10 charge then -- let me make sure I'm right about this -- it was  
11 dismissed outright.

12 **THE COURT:** Is that the 2013 incident --

13 **MR. STRACCI:** That's right. That's the 2013  
14 incident.

15 **THE COURT:** -- on page 5 of the bond report?

16 **MR. STRACCI:** His ex-wife began to use the Court as a  
17 sword. I, obviously, don't know when, as I wasn't involved in  
18 those matters, and Mr. Taylor got smart and understood what he  
19 needed to do to try to protect himself.

20 And as we point out in the memorandum, his fiancée, who  
21 testified today, Ms. Meyers, indicates that she has never known  
22 of the defendant to be violent; that he has had no issues of  
23 domestic violence since completion of the 26-week anger  
24 management program that he completed in 2013, I believe; and  
25 that, therefore, this past conduct of his does not suggest

1 future misconduct is likely, which is what's important  
2 statutorily or through USC.

3 I would indicate that there were no failures to appear. I  
4 think Mr. Mahoney misspoke when he said that. There are some  
5 probation violations that occurred, no hiding from that, Judge,  
6 but I don't think that they raise to the level of making him a  
7 flight risk -- or, excuse me, a danger.

8 He has not been a danger. He is clean of heroin. He  
9 needs to get help. He's being deprived of that help. I think  
10 that, particularly, in light of the conditions that this Court  
11 could put on my client, there are alternatives to his being  
12 detained. I think home monitoring, substance abuse treatment  
13 and testing, as Ms. Meyers indicated she was undergoing, any  
14 restrictions on his personal conditions, his ability to travel,  
15 that sort of thing, I think make him an excellent candidate for  
16 pretrial release.

17 And I would ask the Court to find that he is not, in fact,  
18 a danger to the community, that what the government really is  
19 hanging its hat on is not conduct that suggests future  
20 misconduct is likely.

21 The other thing, as I know it is apparent in the  
22 memorandum, but his ex-wife, the woman who he had this horrible  
23 toxic relationship with, is now deceased. So there is no  
24 either person or the community that he is an apparent future  
25 danger to.

1           So as a result, I would ask the Court to release him on  
2 whatever conditions the Court felt were appropriate.

3           **THE COURT:** Mr. Mahoney, I'll give you the last word.  
4 Anything else you wish to say?

5           **MR. MAHONEY:** Nothing except that based on everything  
6 the Court's heard, based on everything that was presented -- I  
7 know it is a *de novo* hearing, but based on everything that's  
8 been presented, their presumption still remains. It has not  
9 been rebutted. Based on, primarily, his significant criminal  
10 history, and I say "history of violence and violent behavior,"  
11 that Mr. Taylor should be detained, Your Honor.

12           **THE COURT:** I want to study these exhibits that were  
13 presented, so just sit tight, and I'll be back out here when  
14 I'm ready to give you my ruling.

15           Jerry, can I talk to you as well?

16           **MR. STRACCI:** Thank you, Judge.

17           (A recess was had at 11:03 a.m.)

18           (The proceedings resumed in open court, at 11:13 a.m.,  
19 reported as follows:)

20           **DEPUTY CLERK:** All rise.

21           **THE COURT:** All right. You may be seated.

22           So under 18 U.S.C. 3142 -- that's the statute that governs  
23 the release and/or detention of somebody who is charged with a  
24 federal offense -- in cases in which somebody is charged with a  
25 felony drug charge, there is a rebuttable presumption that

1 there are no conditions that will adequately secure the  
2 defendant's appearance or the safety of the community; but, of  
3 course, it is a rebuttable presumption.

4 The presumption only shifts the burden of production. It  
5 doesn't shift the burden of persuasion. Of course, the  
6 government, at all times, retains the burden of persuasion to  
7 prove by clear and convincing evidence that the defendant is a  
8 danger to the community or by a preponderance of the evidence  
9 that the defendant is a flight risk.

10 There are four factors that the Court has to take into  
11 consideration when it decides whether or not there are  
12 conditions of release that will reasonably assure the  
13 appearance of the person, as required, or the safety of any  
14 other person and the community that I have to take into account  
15 when I decide whether or not somebody should be released or  
16 detained.

17 The first factor is the nature and circumstances of the  
18 offense charged. This is under 3142(g), the nature and  
19 circumstances of the offense charged, including whether the  
20 offense is a federal controlled substance offense; and this, of  
21 course, is a federal drug offense. The defendant is charged  
22 with one count of conspiracy in an otherwise lengthy  
23 Indictment. He is only charged in one of the, I believe, 12  
24 counts; but it is, obviously, a controlled substance offense.

25 The second factor is the weight of the evidence against

1 the person. And, candidly, I think -- I'm not super persuaded  
2 that this is a strong case against the defendant, at least  
3 based on what was presented to me here in court. I haven't  
4 heard from a case agent. I haven't heard from any witnesses.  
5 There's -- there's no controlled buys made against the  
6 defendant. There's no confidential informant information. The  
7 only thing that I have been pointed to is a few snippets of  
8 conversations between the defendant and one of the  
9 co-defendants, which, admittedly, appear incriminating. But in  
10 the range of cases that I have before me, I cannot say that the  
11 weight of the evidence, at least as it has been presented to me  
12 today, is strong against the defendant. I view that factor as  
13 kind of a neutral.

14 The next issue is the history and characteristics of the  
15 person, and there's a number of things that are encompassed  
16 under that more general factor. The first really go to the  
17 issue of whether or not the defendant is a flight risk. So I  
18 take into account the person's character, physical and mental  
19 condition, family ties, employment, financial resources, length  
20 of residence in the community, community ties, past conduct,  
21 history relating to drug and alcohol abuse, criminal history,  
22 and record concerning appearance at court proceedings.

23 And then the second factor under this more general factor  
24 of the history and characteristics of the person is whether or  
25 not they were on parole or probation at the time they committed



1 the alleged offense that brings them before the Court.

2 This is a case where there are things that go both ways as  
3 it relates to the defendant. He most certainly has substantial  
4 ties to the Lafayette community. He has and had employment,  
5 and I've been presented evidence that the employment still  
6 awaits him. I've been given evidence that there is a place for  
7 him to reside.

8 It is certainly true that he has had substantial drug and  
9 alcohol abuse problems, it appears. Although, he has now been  
10 in the Porter County Jail for almost four months, and one might  
11 think that that would have helped abate those issues.

12 So I do not in any way, shape, or form feel that the  
13 defendant is a flight risk at all, and I sense from the  
14 government that they tend to agree with that.

15 The real issue is whether he is a danger, and it's  
16 important to note that the question is whether or not he's a  
17 danger to the community. And what the government has pointed  
18 me to is three -- albeit, what appear to be very violent --  
19 domestic incidents, but it's also true that they are getting a  
20 layer of dust on them at this point. They're at least seven  
21 years old, at this point, is the latest incident. All three  
22 incidents, it's important to note, relate to the same  
23 individual; and it seems just rather clear to me that there was  
24 a very nasty relationship that this defendant must have had  
25 with his former spouse and for whatever reason embroiled him in

1 a number of domestic battery incidents. This is not to his  
2 credit -- let's be clear about it -- but that victim is now  
3 deceased, and so he's not, obviously, a threat to that victim.

4 The question is: Is he a threat to the community? And I  
5 just really don't have any evidence that he is a threat to the  
6 community. He might have a proclivity for violence, but it  
7 appears that that proclivity for violence was directed at one  
8 individual that resulted from this difficult relationship.

9 Again, that's not to his credit, but it does not really  
10 help the government's case to establish that he is, in fact, a  
11 danger to the community.

12 And so that third factor, I think, is a mixed bag; but if  
13 anything, militates more in favor of release. I do think the  
14 defendant has presented a compelling case that there are  
15 combinations of conditions that will assure the defendant's  
16 appearance at trial and assure his -- or protect the community.

17 And so I'm going to order that the defendant be on home  
18 monitoring, and he'll be allowed to leave the home monitoring  
19 area to attend drug treatment that will be arranged by the  
20 probation department. If that can be done through Wabash  
21 Valley, terrific. If not, it will be arranged by pretrial  
22 services at another location. He'll be allowed to attend drug  
23 treatment, have visits with his attorney, and go to work; but  
24 that will be the limit of his release.

25 He will not be released from custody until that home

1 monitoring is arranged. In other words, that our pretrial  
2 services office has been able to verify that there is a  
3 suitable location for that to all be arranged.

4 And beyond that, he will be held on a \$20,000 unsecured  
5 bond, consistent with the normal rules that apply to that.

6 Jerry, does that adequately tell you what I have in mind?

7 **THE PROBATION OFFICER:** Yes, Your Honor.

8 **THE COURT:** Okay. So I will reduce my findings to  
9 writing, as is required by the release and detention statute.

10 Mr. Mahoney, anything else from you?

11 **MR. MAHONEY:** No, Your Honor.

12 **THE COURT:** Mr. Stracci?

13 **MR. STRACCI:** Nothing, Judge.

14 **THE COURT:** All right.

15 Again, the defendant will remain in custody until we're  
16 able to get those matters worked out. Thank you.

17 **MR. MAHONEY:** Thank you, Your Honor.

18 **MR. STRACCI:** Thank you, Your Honor.

19 (A recess was had at 11:22 a.m.)

20 CERTIFICATE

21 I, Stacy L. Drohosky, certify that the foregoing is a true  
22 and correct transcript from the record of proceedings in the  
above-entitled matter.

23 Date: April 16, 2019

24 S/Stacy L. Drohosky  
S/STACY L. DROHOSKY  
Court Reporter  
25 U.S. District Court